

Date: March 3, 2015
To: Thomas J. Bonfield, City Manager
Through: W. Bowman Ferguson, Deputy City Manager
From: Joel V. Reitzer, Director, General Services Department
Subject: Proposed Condemnation of Property located at 531 E. Carver Street (parcel ID 172105) for the Carver Street Extension Project

Executive Summary

The City of Durham Public Works Department is slated to begin construction of the Carver Street Extension Project in the spring of 2015. The Carver Street Extension Project (ST-257C) is a proposed extension of Carver Street from its current intersection with Danube Lane (SR 1648) east to the intersection of Old Oxford Road (SR 1004) and Hamlin Road (SR 1634), a distance of approximately 1 mile. The purpose of the extension is to allow traffic to flow more smoothly from Hamlin Road to the north Durham area.

Six property owners are affected by the Carver Street Extension Project. Acquisitions have been secured from five property owners. Negotiations with one property owner located at 531 E. Carver Street (Carver Creek Acquisition, LLC) continue but have the potential to delay the construction of the project. The Department recommends that City Council approve the condemnation process for 2,432 square feet (0.06 acres) of land across a portion of 531 E. Carver Street (parcel ID 172105).

Recommendation

The Department of General Services and the Department of Public Works recommend that City Council find it is necessary, in the public interest, and for the public use and benefit, to condemn the following interests in the property identified as parcel ID 172105: a fee simple in 2,432 square feet (0.06 acres) as shown on the map entitled "Carver Street Extension Project Danube Lane to Old Oxford Road", sheet 2 of 7, prepared by MSS Land Consultants (License C-2070), dated January 8, 2013, with a deposit into court of \$0.00 as the City's estimate of just compensation, and to authorize the City Attorney to initiate condemnation proceedings for that purpose.

Background

In March 2014, City Council approved acquisitions from five of the six property owners. The acquisition for 531 E. Carver Street (parcel ID 172105) owned by Carver Creek Acquisition, LLC remains unsecured. The Real Estate Division staff has been in negotiations with the property owner of 531 E. Carver Street for approximately a year. The owner was offered just compensation in accordance with City guidelines.

The project will likely increase the suitability of the owner's land to development and increase its value. The owner supports the project and agrees with receiving no compensation; however, there is concern about the extensive time and money its lender requires if the property is

secured by a deed. In an attempt to avoid the time delay and expense and complete the transaction in a manner that would satisfy all parties involved, including the lender, the owner asked that the City condemn the small portion of property needed for the project rather than secure it by deed.

Issues/Analysis

The Real Estate Division, with assistance from the Department of Public Works, has been in negotiations with the property owner of 531 E. Carver Street for over a year. In an attempt to secure the area needed to complete the roundabout located at the intersection of Danube and Carver Street it has been determined by all parties that condemnation is necessary in order to meet the Department of Public Works proposed construction start date.

Alternatives

The land needed from this property owner is necessary to complete the traffic roundabout at the intersection of Carver St. and Danube Lane. Public Works Staff indicate the construction plans cannot be modified to avoid taking a small portion across 531 E. Carver Street. There is no other alternative relative to the project design. The property owner asked the City to proceed with condemnation of the property as “friendly condemnation” so the City can receive fee simple title to the land that will be used for construction of the roundabout.

Financial Impact

There is no financial impact to the City as the owner is not asking for compensation.

SDBD Summary

This item does not require review by the Equal Opportunity/Equity Assurance Department.

Attachments: Project Plat, Detail of Project Plat showing property of Carver Creek Acquisition, LLC, GIS Map with Aerial Photo of parcel ID 172105